

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

IN RE:

Chapter 13

CHARLES GOLDHAMMER,

Case No.: 9:15-bk-09702-FMD

Debtor.

**DEBTOR'S MOTION TO MODIFY PLAN TO ABATE PAYMENTS
AND REQUEST FOR ATTORNEY'S FEES**

Debtor, Charles Goldhammer, ("Debtor"), by and through his undersigned attorney, respectfully moves the Court to abate payments to the Chapter 13 Trustee for a three – month term pursuant to 11 U.S.C. §1329, and as cause states as follows:

1. On September 24, 2015, the Debtor filed this Chapter 13 bankruptcy case seeking to preserve his interest in his Homestead via the fundamental protections of the Bankruptcy laws and rules. [Doc. 1].

2. The Debtor's Plan was confirmed by this Court on June 30, 2016. The Confirmed Plan provides for the maintenance and curing of a mortgage obligation and arrearage to Wells Fargo Bank, N.A., and a 100% dividend to timely filed unsecured creditors. The Plan pays \$2,935.00 per month for the remainder of the a sixty-month (60) term. [Doc. 26].

3. The Debtor has recently suffered substantial damage to his Naples home from the impacts from Hurricane Irma. The Debtor has a significant capital outlay for necessary repairs that will compromise his ability, in the short-term, to maintain the payments under his confirmed Chapter 13 Plan.

4. The Debtor's mortgage lender has adopted a standard policy offering a hardship forbearance payment abatement. However, the Debtor was instructed that this loss mitigation option is not available for Debtors in an active Chapter 13 case. Accordingly, the Debtor seeks an abatement in payments for September 2017, October 2017 and November 2017, to allow for the payment of the extraordinary housing expenses.

5. The Debtor moves this Honorable Court to allow an abatement in payment for the months of September 2017, October 2017 and November 2017, with payments resuming in December 2017 at an increased amount sufficient to offset the amounts hereby abated, and for such other and further relief as the Court deems meet and just.

6. Debtor's counsel requests \$400.00 for attorney's fees incurred in the preparation and prosecution of this Motion payable through the Chapter 13 Plan.

Dated: October 4, 2017

/s/ Gregory A. Champeau

Gregory A. Champeau

Florida Bar 602531

Champeau Law, P.A.

999 Vanderbilt Beach Rd., Suite 232

Naples, FL 34108

Telephone: 239-325-1823

Facsimile: 239-325-5001

greg@champeaulaw.com